

"Approved by the City Council/Redevelopment Agency Board on May9, 2007."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
April 11, 2007

The City Council/Agency Board of the City of Westminster, California convened on April 11, 2007 at 7:05 p.m. in a Regular Meeting in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

7:00 P.M.

ROLL CALL:

PRESENT: RICE, MARSH, FRY, QUACH, TA
ABSENT: NONE

SALUTE TO FLAG: Council Member Fry

INVOCATION: Council Member Fry

OATH OF OFFICE:

Senator Tom Harman administered the Oath of Office to the new City Manager, Ramon (Ray) Silver.

SPECIAL PRESENTATION:

- A. Mayor Pro Tem presented a Resolution of Commendation to the Westminster High School's Academic Decathlon Team, for which they received 1st Place Title at the Academic Decathlon Competition.
- B. Police Chief Andy Hall presented three Citizen Above and Beyond Awards to Trey Golightly, Brian Tropiano and Michael Ottiger for their brave efforts to help protect and defend their fellow citizens of the community.
- C. Lieutenant Al Panella recognized the following Police Chaplains for the time they volunteer to the City: Robert Benoun with Calvary Chapel Pacific Coast, John Key with Calvary Chapel Pacific Coast, Charlie Wilkins with Greater Grace Church, Pastor Larry Pyle with Quest Church, and Pastor Faàtuiese Savusa with the First Samoan Church of God.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of March 14, 2007 and March 28, 2007.**

Council/Agency Member Fry stated that he could not vote on this item due to the fact that he was not present at the March 28, 2007 meeting, and is not aware whether the minutes are accurate or not.

Motion was made by Council/Agency Member Quach, and seconded by Council/Agency Member Ta, to approve Item 1.1.

The motion carried by the following vote:

AYES: RICE, MARSH, QUACH, TA
NOES: NONE
ABSTAIN: FRY
ABSENT: NONE

ROUTINE MATTERS

1.2 Proclamation declaring April 28, 2007 as “National Arbor Day” in the City of Westminster. (115-00)

ACTION: Approved.

1.3 Proclamation declaring April 15-22, 2007 as “Days of Remembrance” of the Victims of the Holocaust in the City of Westminster. (115-00)

ACTION: Approved.

1.4 Proclamation declaring April 23-29, 2007 as “West Nile Virus and Mosquito and Vector Control Awareness Week” in the City of Westminster. (115-00)

ACTION: Approved.

1.5 Proclamation declaring April 22-28, 2007 as “National Crime Victims’ Rights Week” in the City of Westminster. (115-00)

ACTION: Approved.

1.6 Increase in Purchase Order for Police Related Blood Tests. (502-03)

ACTION: The Mayor and City Council approved an increase to the purchase order with California Forensic Phlebotomy, Inc. in the amount of \$10,000 for police related blood tests in fiscal year 2006-2007.

1.7 Increase to Purchase Order for Parking Citation Processing (502-20)

ACTION: The Mayor and City Council approved an \$8,000 increase to the purchase order with TurboData Systems, Inc. for the processing of police department parking citations.

1.8 Sphere of Influence - Beach/McFadden Island (413-01)

ACTION: The Mayor and City Council approved a Letter of Support be sent to the Local Agency Formation Commission supporting the change of the Beach/McFadden Island to the City of Westminster's Sphere of Influence.

1.9 Increase in Purchase Order for Arterial Wall Prepping and Painting Project (502-03)

ACTION: The Mayor and City Council approved an increase to the purchase order with Central Painting Company in the amount of \$15,000.

1.10 Amendment No. 10 to Cooperative Agreement No. C-95-995 with the Orange County Transportation Authority for Measure "M" Funded Work (502-15)

ACTION: The Mayor and City Council approved the subject amendment and authorized the Mayor to execute the amendment on behalf of the City.

1.11 (Agency) Economic Development and Redevelopment Consultant Services (502-18)

ACTION: The Chair and Agency Board approved an Agreement with Rosenow Spevacek Group, Inc., in the amount of \$75,000 per fiscal year through April 11, 2009, and authorized the Chair to execute the Agreement on behalf of the Agency.

ADMINISTRATIVE ITEMS**1.12 Special Event Permit application from Calvary Chapel WestGrove to hold a Cinco de Mayo Festival on Saturday, May 5, 2007 between the hours of 8:00 a.m. and 5:00 p.m. (includes set up and clean up times). The event will take place at Sigler Park, 7200 Plaza Street. Applicant estimates the attendance will be 1500 people. (213-02)(CA)**

ACTION: The Mayor and City Council:

- 1) Waived the \$100 Special Event Permit fee; and
- 2) Approved the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER**1.13 (City Council/Redevelopment Agency) Warrant Register dated March 21 through April 3, 2007. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS**1.14 Community Development Monthly Activity Report – March 2007 (216-01)**

ACTION: Received and filed.

Motion was made by Council/Agency Member Quach, and seconded by Council/Agency Member Fry, to approve the Consent Calendar, with the exception of Item No. 1.1 which was removed for separate consideration. The motion carried 5-0 vote.

END OF CONSENT CALENDAR**2. ORAL COMMUNICATIONS**

Phil Hodgetts, Westminster Energy Committee, spoke in regards to gasoline operated lawn mowers and the negative effects it has on the environment. He informed everyone that the Air Quality Management District (AQMD) has a program that allows you to turn in your old lawn mower and they will in return give you \$100 to go towards the purchase of an electric lawn mower.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW –**The actions of the Planning Commission meeting held on April 4, 2007**

- 1) Case No. 2006-87 Conditional Use Permit for an ABC type 41 license in conjunction with an existing restaurant. Location: 14541 Brookhurst Street, Suites B5 and B6. (Café Luc Huyen Cam).
- 2) Case No. 2006-102 Conditional Use Permit, Site Plan, Design Review for a 7,190 square foot addition to an existing 9,710 square foot building. Location: 8952 Hazard Avenue. (California Zoroastrian Center).
- 3) Case No. 2006-107 Variances (5) for a secondary dwelling unit and an addition to main house. Location: 14231 Alta Place. (Single Family Residence owned by Daniel Carrillo).
- 4) Case No. 2007-06 Design Review to waive the requirement to place utilities underground for a remediation system. Location: 15502 Beach Boulevard. (Camino Real GMC).

Council Member Quach called up Item No. 3 for review. He addressed his concerns of whether or not the owner, Mr. Carrillo was the one who built the secondary dwelling or if he purchased it as is.

Community Development Director Don Anderson confirmed that Mr. Carrillo purchased the home as is with the bathroom in place.

Motion was made by Council Member Quach, and seconded by Council Member Ta, to receive and file Item Nos. 1, 2 and 4 of the oral report of the Planning Commission meeting of April 4, 2007. The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS

4.1 ALLOCATION OF FY 2007-2008 HOME INVESTMENT PARTNERSHIPS (HOME) FUNDS TO ABRAZAR, INC. (Continued from the March 28, 2007 meeting) (109-01)

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM.

SINCE THERE WERE NO SPEAKERS IN FAVOR OR IN OPPOSITION ON THIS MATTER, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Mayor Pro Tem Marsh, and seconded by Council Member Ta to:

- 1) Allocate FY 2007 HOME funds in the amount of \$470,053 to Abrazar, Inc. for acquisition of three condominium units on Homer Street, contingent upon the successful completion of the environmental process; and
- 2) Authorize the City Manager to submit the application for FY 2007 HOME funds in the amount of \$522,281 and CDBG funds in the amount of \$1,278,889 to the U.S. Department of Housing and Urban Development (HUD) before May 15, 2007.

The motion carried by a 5-0 vote.

4.2 (AGENCY) AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) DATED NOVEMBER 5, 2003 BY AND BETWEEN THE WESTMINSTER REDEVELOPMENT AGENCY AND ABRAZAR, INC. FOR DEVELOPMENT OF ONE SINGLE FAMILY RESIDENCE AT THE NORTHWEST CORNER OF OLIVE AND TEXAS STREETS FOR A FIRST TIME HOME BUYER. (502-01)

CHAIR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM.

SINCE THERE WERE NO SPEAKERS IN FAVOR OR IN OPPOSITION ON THIS MATTER, CHAIR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Vice Chair Marsh, and seconded by Agency Member Ta, to approve the First Amendment to the DDA between the Westminster Redevelopment Agency and Abrazar, Inc. that will allow Abrazar, Inc. to develop two condominiums for first time home buyers, and authorize the Executive Director to execute the Amendment on behalf of the Agency. The motion carried by a 5-0 vote.

4.3 APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2006-49 (TENTATIVE PARCEL MAP, SITE PLAN REVIEW, AND DESIGN REVIEW); LOCATION: 14241 PACIFIC AVENUE; APPLICANT: BON HOANG, AUTHORIZED AGENT FOR ALAN LEE, PROPERTY OWNER OF RECORD; APELLANT: ALAN LEE, PROPERTY OWNER OF RECORD (201-00)

Associate Planner Chris Wong gave a PowerPoint presentation on Case No. 2006-49.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE PROJECT.

Council Member Quach questioned whether or not this project has access to an alley or driveway.

Associate Planner Chris Wong stated that there are no alleys in the area, and that the driveways are on the actual property of the project.

Alan Lee, property owner of 14214 Pacific Avenue, stated that he is appealing the Planning Commission's decision. He feels that direct access to the garages is more in line with the single family dwellings surrounding the project.

Alin Hamade, Westminster resident, stated that he was not notified of the public hearing for the project. He feels that he should be able to review the project due to the fact it is right next to his house.

Mayor Rice asked if staff sent out notices, to which Chris Wong responded that Mr. Hamade was on the list with the correct address.

Council Member Quach asked staff whether or not the project is consistent with the planning code and the zoning ordinances.

Chris Wong responded by saying that all the development standards are met.

Mayor Pro Tem Marsh asked Mr. Hamade whether or not he would prefer more or less landscaping in front of the project.

Mr. Hamade responded by saying that he would rather have more landscaping. He also asked Council if they could defer this item until the next meeting so he can review the plans.

Council Member Fry asked Mr. Lee if he would have any objection of deferring the public hearing for another two weeks.

Mr. Lee had no objections of deferring the public hearing.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Marsh, to continue the public hearing to the Council Meeting of April 25, 2007, at 7:00 p.m. The motion carried by a 5-0 vote.

Mayor Pro Tem Marsh directed staff to send out written notice again for the public hearing and make a few test calls to make sure that residents are receiving the notices.

4.4 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2006-94 (CONDITIONAL USE PERMIT); LOCATION – 14541 BROOKHURST STREET, SUITE #A-3; APPLICANT – VINCENT FANG, AUTHORIZED AGENT FOR MTT FAMILY LP/JOHN VIET VO, BUSINESS OWNER OF CARAVAN SEAFOOD RESTAURANT (201-00)

Planning Director, Art Bashmakian stated that there were a few conditions that were omitted in the draft resolution that need to be read into the record. The following conditions were added:

- 1) The closing time of 11:30 p.m. shall be reviewed by the Planning Commission at a non-public hearing approximately three months from the date the restaurant begins to exercise its new ABC license. If the operation has not resulted in negative impacts the closing time of 11:30 could remain. However, at any time during the operation of the restaurant, even after the initial three month period, if the operation is and has resulted in negative impacts, the Planning Commission will hold a noticed public hearing to review all conditions of approval and if appropriate modify the conditions or revoke the conditional use permit.
- 2) The establishment shall have security guards during banquet events that have been previously approved by the Police Department.
- 3) Any modifications of these hours of operation will require review and consideration by the Planning Commission.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM.

SINCE THERE WERE NO SPEAKERS IN FAVOR OR IN OPPOSITION ON THIS MATTER, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Fry, and seconded by Councilmember Ta, to adopt Resolution No. 4077 entitled, "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's Decision to approve Case No. 2006-94 pertaining to a request for a General (Type 47) Alcohol License (for the on-sale and consumption of alcoholic beverages) and to allow entertainment in conjunction with an existing remodeled restaurant (Caravan Seafood) at 14541 Brookhurst Street, Suite A-3", and waive further reading. The motion carried by a 5-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Ta welcomed the new City Manager, Ray Silver.

Mayor Pro Tem Marsh extended his welcome to Ray Silver. He also spoke in regards to Northwestern Way. He expressed his appreciation to Marwan Youssef for contacting the Orange County Fire Authority in regards to the potential partial or full closure of the street.

Mayor Rice welcomed Ray Silver and said that she looks forward to the great ideas he has for the City. She also stated that she still objects to the 24 hour operation of the new 7-Eleven located on Westminster Avenue and Bolsa Chica Road.

Mayor Pro Tem directed staff to look up the restrictions on the 7-Eleven store located at Westminster Avenue and Milan Street.

5.2 AB 1234 Reports

Council Member Quach stated that he had recently traveled to Taiwan on a delegation and spoke briefly about creating a Sister City relationship with some of the cities in Taiwan.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Membership in Southern California Association of Governments (SCAG) (502-19)

Motion was made by Mayor Rice, and seconded by Mayor Pro Tem Marsh to:

- 1) Approve an appropriation and expenditure of \$1,970 for Fiscal Year 2006-07 and \$7,893 for Fiscal Year 2007-08; and

- 2) Approve the Joint Powers Agreement with SCAG effective April 11, 2007 and authorize the City Manager to execute the Agreement on behalf of the City; and
- 3) Select Councilmember Fry as the Delegate and Mayor Rice as the Alternate Member.

The motion carried by a 5-0 vote.

6.2 (Agency) Westminster Economic Development Strategy (502-18)

Motion was made by Agency Member Ta, and seconded by Vice Chair Marsh to:

- 1) Approve a budget transfer of \$64,590 from the Redevelopment Operating Fund Contingency Account to the Redevelopment Operating Fund – Economic Development Account; and
- 2) Approve an agreement with Rosenow Spevacek Group, Inc., in the amount of \$64,590 and authorize the Chair to execute the Agreement on behalf of the Agency.

The motion carried by a 5-0 vote.

6.3 City of Westminster PERS Side Fund Liability (105-12)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Marsh to:

- 1) Authorize a transfer in the amount of \$5,548,876 from the General Fund Undesignated Unreserved Fund Balance to the General Benefits Fund, and
- 2) Approve the payment of the PERS Side Fund Liability in the amount of \$5,548,876.

The motion was carried by a 5-0 vote.

6.4 (City/Agency) Selection of Consultant to Provide Design, Architectural and Engineering Services for the New Police Facility (502-04)

Motion was made by Council Member Ta, and seconded by Mayor Rice to:

- 1) Approve an appropriation in the amount of \$2,500,000 from the General Fund Restricted Fund Balance Account to the Capital Improvement Fund – Police Facility Construction (CIP Project); and

- 2) Authorize the City Manager or his designee to enter into contract negotiations with DMJM H&N Design based on the original proposal submitted, and return to the Council for approval in May, 2007.

The motion carried by a 5-0 vote.

Mayor Pro Tem Marsh confirmed with the Finance Director, Paul Espinoza that this item would not impinge the City's capabilities in regards to IRP funds.

Finance Director Paul Espinoza responded by saying that it would not affect the IRP Funds. He stated that the City Council held a Study Session last year with a staff report recommending that an allocation of unallocated IRP Funds and a Residual Fund balance be put into a reserve account until the funds were needed. He explained that the action tonight will set up a CIP Project with the funds from the reserve account. He explained that this is being done in order to begin the process of Architectural and Design for the new Police Facility.

Motion was made by Agency Member Ta, and seconded by Chair Rice to:

- 1) Approve an appropriation in the amount of \$2,206,163 from the Redevelopment Restricted Fund Balance to the Capital Improvement Fund – Police Facility Construction (CIP Project)

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS – None

8. LEGISLATIVE ITEMS

8.1 (Second Reading) Ordinance No. 2411 - Establishing Fees for State Franchised Video Service Providers.

Director of Community Services, Greg Johnson made a correction to Section 2, line 5, it should read "Section (5870)(n)" not "Section (5800)(n)", it's in reference to AB 2987. He stated that it was just a typo and that it has no affect on the Ordinance.

Motion was carried by Council Member Quach, and seconded by Council Member Fry, to adopt Ordinance No. 2411 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster establishing fees for State franchised video service providers", and waive further reading.

The motion carried by a 5-0 vote.

8.2 (Second Reading) Ordinance No. 2410 – Amending the Westminster Municipal Code to Extend the Tree Education Committee For An Additional Five Years

Motion was made by Council Member Quach, and seconded by Council Member Ta, to adopt Ordinance No. 2410 entitled, “An Ordinance of the Mayor and City Council of the City of Westminster to Amend Section 12.12.170 of Title 12 (Streets, Sidewalks and Public Places) of the Westminster Municipal Code”, and waive further reading.

The motion carried by a 5-0 vote.

9. COMMISSION AND COMMITTEE ITEMS

9.1 Appointments to the Tree Education Committee (104-25)

Motion was made by Mayor Pro Tem Marsh, and seconded by Council Member Fry, to appoint Matthew Tracy (Mayor Pro Tem Marsh’s appointee) and Leo Lopez (Council Member Quach’s appointee) to the Tree Education Committee. The motion carried by a 5-0 vote.

9.2 Appointments to the Energy Committee (104-07)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Marsh, to appoint Chris Vo (Council Member Ta’s appointee) to the Energy Committee. The motion carried by a 5-0 vote.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Marsh, to appoint Tony Lam (Council Member Fry’s appointee) to the Energy Committee. The motion carried by a 5-0 vote.

Motion was made by Council Member Quach, and seconded by Council Member Ta, to appoint Leo Lopez (Council Member Quach’s appointee) to the Energy Committee. The motion carried by a 5-0 vote.

9.3 Appointments to City Commissions and Committees (104-00)

Cultural Arts Commission

Motion was made by Mayor Pro Tem Marsh, and seconded by Council Member Quach, to appoint Christine King as a member (as Mayor Pro Tem Marsh’s appointee) and Diana Mendez as an alternate member (as Mayor Pro Tem Marsh’s appointee) to the Cultural Arts Commission, for a term ending in November, 2008. The motion carried by a 5-0 vote.

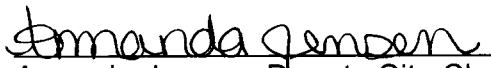
Financial Review Committee

Motion was made by Council Member Fry, and seconded by Council Member Quach, to appoint Lorenzo (Larry) Luera as a member (as Council Member Fry's appointee) to the Financial Review Committee, for a term ending in November, 2008. The motion carried by a 5-0 vote.

Mobile Home Commission

Motion was made by Council Member Ta, and seconded by Council Member Quach, to appoint Shirl Stewart as a member to the Mobile Home Commission, for a term ending in November, 2008. The motion carried by a 5-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:40 p.m., Mayor/Agency Chair Rice adjourned the meeting.


Amanda Jensen, Deputy City Clerk/
Acting Agency Secretary